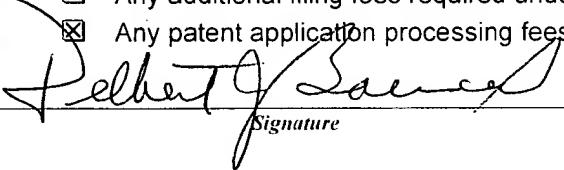
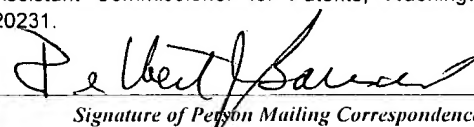


| | | | | | |
|--|-------------------------------------|-----------------------------|--|---------|-------------------|
| AMENDMENT TRANSMITTAL LETTER (Small Entity) | | | Docket No. UW Asbury | | |
| Applicant(s) Charles L. Asbury et al. | | | | | |
| Serial No. 09/847,645 | Filing Date May 1, 2001 | Examiner D. Vanore | Group Art Unit 2881 | | |
| Invention: DEVICE AND METHODS FOR DETECTING SAMPLES IN A FLOW CYTOMETER INDEPENDENT OF VARIATIONS IN FLUORESCENCE POLARIZATION | | | | | |
| <u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u> | | | | | |
| Transmitted herewith is an amendment in the above-identified application. | | | | | |
| <input checked="" type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted. | | | | | |
| <input type="checkbox"/> A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed. | | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | | |
| CLAIMS AS AMENDED | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
| TOTAL CLAIMS | 18 - | 20 = | 0 x | \$9.00 | \$0.00 |
| INDEP. CLAIMS | 5 - | 6 = | 0 x | \$42.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 |
| <input checked="" type="checkbox"/> No additional fee is required for amendment. | | | | | |
| <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. | | | | | |
| <input checked="" type="checkbox"/> A check in the amount of \$410.00 to cover the filing fee is enclosed. | | | | | |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 02-0915 A duplicate copy of this sheet is enclosed. | | | | | |
| <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. | | | | | |
| <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. | | | | | |
|  Signature | | | Dated: April 4, 2003 | | |
| Delbert J. Barnard Barnard Loop & McCormack LLP P.O. Box 58888 Seattle, WA 98199 206.381.3100 | | | <div style="text-align:center">RECEIVED APR 4 2003 TECHNOLOGY CENTER 2800</div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">I certify that this document and fee is being deposited on <u>April 4, 2003</u> with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.  Signature of Person Mailing Correspondence Delbert J. Barnard Typed or Printed Name of Person Mailing Correspondence</div> | | |
| CC: | | | | | |
| | | | | | |



#10 1/3
4/15/03

PATENT
Our Docket: UW Asbury

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Asbury et al.

Serial No: 09/847,645

Filed: May 1, 2001

For: DEVICE AND METHODS FOR
DETECTING SAMPLES IN A FLOW
CYTOMETER INDEPENDENT OF
VARIATIONS IN FLUORESCENCE
POLARIZATION

Group Art Unit: 2881

Examiner: D. Vanore

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as first class mail, in an
envelope addressed to: The Commissioner
for Patents, Washington, D.C. 20231:

April 4, 2003
(date of deposit)

Signature

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed November 6,
2002, entry of this Response and consideration of the Remarks are
respectfully requested.

REMARKS

Claims 1-19 are pending in the above-identified application.
Claim 19 has been withdrawn from further consideration following
Applicants' election in response to a Restriction Requirement.
Accordingly, claims 1-18 are currently under consideration.

Rejections Under 35 U.S.C. §103

Claims 1, 5, 6, 10, 11, 12, 13 and 18 stand rejected under
35 U.S.C. §103(a) as obvious over Howie et al. (U.S. Patent No.

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